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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09       UNITED STATES OF AMERICA,                   )           CASE NO. CR05-391-RSM  
10    )  
11       Plaintiff,                                      )  
12    )  
13    )  
14       v.    )           SUMMARY REPORT OF U.S.  
15    )           MAGISTRATE JUDGE AS TO  
16       ROY COLUMBUS GOLD III,                        )           ALLEGED VIOLATIONS  
17    )           OF SUPERVISED RELEASE  
18    )  
19       Defendant.                                     )  
20    )

21    An initial hearing on supervised release revocation in this case was scheduled before me  
22    on April 3, 2012. The United States was represented by AUSA Sarah Vogel and the defendant  
23    by Peter Camiel. The proceedings were digitally recorded.

24    Defendant had been sentenced on or about September 22, 2006 by the Honorable  
25    Ricardo S. Martinez on a charge of Conspiracy to Distribute Cocaine and Cocaine Base, and  
26    sentenced to 36 months custody, five years supervised release.

27    The conditions of supervised release included the standard conditions plus the  
28    requirements that defendant participate in a substance abuse program, abstain from alcohol,  
29    submit to search, participate in a mental health program, be prohibited from gambling and avoid

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TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

01 gambling activities and establishments, attend Gamblers Anonymous meeting if instructed by  
02 his probation officer, and provide access to financial information upon request of his probation  
03 officer. (Dkt. 728.)

04 On January 31, 2011, defendant's probation officer reported that he used marijuana on  
05 December 21, 2010 and January 14, 2011. Defendant was reprimanded, referred for  
06 professional assessment, and testing frequency was increased. No further action was taken at  
07 the time. (Dkt. 1059.) on November 29, 2011, the conditions of supervised release were  
08 modified to require defendant to obtain the permission of his probation officer before taking  
09 prescription drugs. (Dkt. 1070.)

10 In an application dated (Dkt. 1082, 1083 ), U.S. Probation Officer Andrew Lorenzen  
11 alleged the following violations of the conditions of supervised release:

12 1. Failing to report for drug testing as directed on December 12 and 19, 2011, and  
13 January 3 and 25, February 1, 16 and 21, 2012 in violation of the special condition.

14 2. Using cocaine on or about February 1, 2012 in violation of standard condition  
15 number 7.

16 3. Failure to attend substance abuse counseling as directed, in violation of the  
17 special condition.

18 4. Gambling and entering gambling establishments in violation of the special  
19 condition.

20 Defendant was advised in full as to those charges and as to his constitutional rights.

21 Defendant admitted violations 2, 3 and 4 and waived any evidentiary hearing as to  
22 whether they occurred. Defendant denied violation 1 and requested an evidentiary hearing.

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TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

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I therefore recommend the Court find defendant violated his supervised release as alleged in violations 2, 3, and 4, and that the Court conduct a hearing limited to the issue of disposition. I recommend the Court set an evidentiary hearing on alleged violation 1. The next hearing will be set before Judge Martinez.

05 Pending a final determination by the Court, defendant has been detained.

06 | DATED this 3rd day of April, 2012.

  
\_\_\_\_\_  
Mary Alice Theiler  
United States Magistrate Judge

12 cc: District Judge: Honorable Ricardo S. Martinez  
AUSA: Sarah Vogel  
13 Defendant's attorney: Peter Camiel  
Probation officer: Andrew Lorenzen